

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

Shane D. Barber
, Debtor(s).

CHAPTER 13

CASE NO. 19-43209-TJT

JUDGE THOMAS J. TUCKER

**TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**

NOW COMES, the Chapter 13 Trustee, Tammy L. Terry, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to E.D. Mich. L.B.R. 3015-3(a) and 11 U.S.C. §1307(c)(5) as follows:

1. As of today, the Trustee has not received a true copy of the debtor's Payment Order, or an Electronic Transfer of Funds Payment Order, in contravention of E.D. Mich. L.B.R. 1007-1(c).

2. The Trustee requests that the debtor provide copies of three (3) post-petition pay stubs at least 14 days prior to confirmation.

3. The Plan fails to provide that 100% of all future tax refunds received by the debtor during the pendency of the Plan be remitted to the Trustee for distribution among creditors in contravention of 11 U.S.C. 1325(b)(1)(B) and In re Freeman, 86 F.3d 478 (6th Cir., 1996).


4. The Trustee objects to the debtor(s) including tax refunds as monthly income on Schedule I as the debtor does not receive this income regularly as required by 11 U.S.C. § 109(e). It is also misleading regarding the amount of income available monthly which may render the case infeasible pursuant to 11 U.S.C. § 1325 (a)(6).

5. The debtor provides in the income schedule (Schedule I) that he has a domestic support obligation of \$43 per month. However, the debtor testified at the § 341 First Meeting of Creditors that this has ended. The Trustee requests that the debtor amend Schedules I and J and increase best effort accordingly.

WHEREFORE, the Chapter 13 Trustee requests this Honorable Court deny confirmation of the debtor's (s') Chapter 13 Plan and dismiss this case pursuant to 11 U.S.C. §1307(c)(5).

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT
Tammy L. Terry, Chapter 13 Trustee

April 22, 2019

/S/ TAMMY L. TERRY (P-46254) 
Chapter 13 Standing Trustee
/s/ KIMBERLY SHORTER - SIEBERT (P-49608)
/s/ MARILYN R. SOMERS-KANTZER (P-52488)
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CERTIFICATE OF MAILING

I hereby certify that on April 22, 2019, a copy of **TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN** was electronically filed with the Clerk of Court, served electronically to the debtor's(s') attorney and a copy of same deposited in the U. S. Mail to the debtor (s) at the address as it appears below.

/s/ Terri Dooms

For the Office of the Chapter 13 Trustee-Detroit
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